

Zoë Dolan

www.zoedolan.com
zdolan@gmail.com

Attorney At Law
Admitted NY & CA
(347) 301-5180

154 Grand Street
New York, NY 10013

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Hon. William F. Kuntz II
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Bumagin*, 11 Cr. 800

Dear Judge Kuntz:

This letter is submitted to advise the Court of the need for various experts in connection with the trial in this case, and to request Court-ordered subpoenas to secure their availability and relevant documents, as well as authorization for necessary protocol concerning relevant evidence.

Need For Psychology Expertise At Trial. As the Court is aware, it is uncontested that my client Semyon Bumagin suffers from dementia. The degree to which he is compromised from this disease, and how it impairs his memory, cognition and ability to participate in his case, have been documented throughout the course of this case, and the various expert findings and opinions are supported by medical evidence including, but not limited to, two sets of MRI reports. My concerns as defense counsel have been voiced, *see* December 29, 2014 Letter to the Court (docket entry no 95), and July 7, 2015 Letter to the Court (docket entry no. 122); and my most recent interactions with Mr. Bumagin and conversations with his family have increased my concerns. Based on all the evidence and my own observations, I do not believe that Mr. Bumagin remains sufficiently lucid over periods of time to assist in his own defense.

Accordingly, I request that the Court, pursuant to the CJA, direct Dr. Monica Rivera-Mindt, Dr. Dana Brauman, and Dr. Sanford Drob to be available for real-time consultations and evaluations to ensure that the record at trial is complete. The defense does not object to appropriate compensation by the Court for these purposes.

Subpoenas. The defense requests that the Court so order the attached subpoenas relating to the defense expert notice letter, *see* docket entry no. 147, and direct the United States Marshals to serve the same.

Necessary Protocol. While maintaining all prior objections, as a matter of Due Process at trial, it is necessary for the defense to request that, whenever alerted to a potential issue with respect to competency by the defense, the Court shall excuse the jury until such time as the defense has had an adequate opportunity to develop the record. The government objects to this request.

The Court's consideration of this application is appreciated.

Sincerely,

s/
Zoë Dolan

Cc: All counsel via ECF